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Glenn Raymond McClendon III

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STAAS & HALSEY LLP

SUITE 700

1201 NEW YORK AVENUE, N.W.

WASHINGTON, DC 20005

EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/923,362
Filing Date: August 08, 2001
Appellant(s): MCCLENDON ET AL.

Paul Kravetz
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed August 30, 2007 appealing from the Office action mailed November 24, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

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The following are the related appeals, interferences, and judicial proceedings known to the examiner, which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

US application serial number 10/101, 838 is a continuation in part (CIP) of the present application. An Appeal Brief was originally filed June 22, 2007. A revised Appeal Brief was filed October 19, 2007 in response to a Notification of Non-Compliant Appeal Brief mailed September 25, 2007.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5, 117, 356	Marks	5-1992
6, 882, 986	Heinemann et al	4-2005

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2. Claims 23, 24, 26, 27, 32-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marks in view of Heinemann et al 6882986.

3. As per claims 23/27 Marks discloses a method/system for entering information on accounting lines by a person using a computer (**col. 4, lines 15-18, col.6, lines 15-60, TT1-TT11**), the information entered on each accounting line relating to accounting activities and including an amount (**TT2, col. 6, Ins 15-60**); processing the information entered on the accounting lines (**col. 4, lines 15-18**) by a computer to create posting lines (**temp file records**), each posting line including a debit, a credit or a debit/credit pair (**see TT4**) relating to a respective amount included in information entered on a respective accounting line; storing the created posting lines in an electronic catalog by a computer (**file 28 fig. 1**); marking respective posting lines stored in the catalog by a person via a computer (**col. 11 lines 4-15 - It is noted that Marks automatically checks for posting lines (temp. file records) that are ready to post to the journal by verifying the debits and credits balance**) selecting posting lines stored in the catalog (**file 28**) by a computer in accordance with said marking ; posting the selected posting lines to a journal by a computer, to thereby create journal entries (**permanent transaction journal 30**); and posting the journal entries (**30**) to a ledger (**control general ledger 22**) by a computer.

However, Marks fails to disclose viewing posting lines stored in the catalog by a person via a computer, making corrections to the viewed posting lines via a computer by the person viewing the posting lines, and storing the corrected posting lines in the catalog by a computer; and marking so that the catalog thereby includes stored posting lines which are marked by the person and stored posting lines which are not marked by the person.

But, Heinemann et al. disclose at **col. 9 lines 49 - 51** disclose viewing posting lines (**e.g invoices have plural lines which are each reviewed**) and corrections can be made by the view (**part of the evaluation process for approval**) corrected lines (**invoices**) are marked using an additional two digit code **col. 7 lines 52** et seq. which is stored along with codes not having such indicia if the invoice lines are passed without error. It would be obvious to modify the method/system of Marks with the manual correction feature and the marked /not marked indicia of Heinemann the motivation being the human correction factor and the ability to see what posting were subject to change.

4. As per claim 24. It is noted that Marks automatically checks for posting lines (**temp. file records**) that are ready to post to the journal by verifying the debits and credits balance. Once the computer verifies that the debits

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and credits are balanced, then posting lines (**temp. file records**) are posted. However, Marks fails to disclose a person marking a posting line to indicate if it is ready to post. Marks notes in the Background section of his disclosure that accounting recording keeping can be performed manually (**see columns 1 and 2**). Mark's claimed system utilizes a computer to automate certain aspects of the recording keeping process while leaving other aspects (**such as inputting transaction data; see column 4, lines 15-18**) to a person for manual processing. The Examiner concludes that it would be obvious to one of ordinary skill in the art at the time the invention was made for a person to manually mark the posting lines to indicate they are ready to be posted by manually checking that the debits and credits balance in place of the automatic system, because manual checking, while slower, may be used to spot accounting errors not originally programmed into the computer system.

5. As per claim 26: Marks respective posting lines to indicate whether the respective posting lines are ready to post is met by the additional code placed along side the ID as discussed above.

6. As per claims 32,36: The system in Marks is a continuing posting apparatus/process.

7. As per claim 33: updating a flag corresponding to each marked posting line, the updated flag thereby indicate that the posting line was marked (read as the resubmitted invoice number with the additional two digits indicating posting line was marked, the indicia of the, wherein said selecting selects posting lines having updated flags indicating that the post lines were marked) occurs when resubmitted invoice is corrected to overcome the error for which it was rejected.

8. As per claim 34: whether posting are to actual disbursements or a budget file is a matter of design choice governed by application not invention.

9. As per claim 35: Official Notice is taken of the old practice of two journal entries in account practice. No challenge as provided by MPEP sec. 2144.03c was advanced, and **hence is made final**.

10. As per claim 37: In both Marks and Heinemann et al. corrections are made to the viewed posting lines not requiring the user to refer back to accounting lines.

11. As per claim 38: Official Notice is taken of the old accounting practice of marking respective posted posting lines in the catalog after being posted as being posted by there very existence in the catalog. No challenge as provided by MPEP sec. 2144.03c was advanced, and **hence is made final**.

(10) Response to Argument

Appellant is reminded that claims must be given their broadest reasonable interpretation consistent with the specification (MPEP ch. 2111) and that a prior art reference must be considered in its entirety (MPEP ch. 2142.02).

- Argument A: *Neither the data on the invoices nor the invoices of Heinemann et al are posting lines that are posed to a journal. Instead the processing of invoices in Heinemann et al relates to a stage in an accounting process, which is different than, and typically performs before the creation of posting lines*

In response, the Examiner respectfully disagrees. Page 6 of the Appellants' specification defines Postings Lines as:

[A Posting Line is the result of processing an accounting line.

A posting line comes in pairs with a debit and a credit or can be just a debit or

a credit. Posting lines are used to update tables in budget and accounting

files. Posting lines do not necessarily have to be written to any accounting

files.]

Examiner disagrees with the Appellant's argument that Heinemann's invoices are not posting lines. Heinemann's invoices, which contain invoice detail lines (**see column 4, line 61**) and a debit or credit amount, are used to update a budget and accounting files (**see column 1, lines 14-25, column 5, lines 54-65, column 6, lines 28-37, column 9, lines 49-52**). The invoices therefore meet the limitation of posting line as defined by the Appellant's specification and therefore meet the scope of the claimed limitation.

It is noted that in the following Arguments, labeled Arguments B-E, the Appellant has provided general statements on limitations that are allegedly not taught by the references without specifically pointing out how the language of the claims patentably distinguishes them from the references.

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- Argument B: *Heinemann et al does not disclose or suggest that stored posting lines are viewed by a person and that corrections are made to the viewed posting lines via a computer by the person viewing the posting lines as recited.*

In response, the Examiner respectfully disagrees. Heinemann et al discloses that a billable party 32 may choose to evaluate the invoices which have passed the automatic comparisons before approving payment, once the billable party is accustomed to and comfortable with the host system 10, the billable party utilizes the automatic payment of the host system elimination time consuming and costly human intervention (**see column 9, lines 49-60**). Heinemann et al further teaches that billing party 30 can evaluate invoices and determine whether to approve the invoice using an on-line report system (**column 9, lines 10-24**). The billing party and billable party can make corrections to the invoices (**column 9, lines 1-10 and 29-39**). It is further noted that Heinemann et al defines the term “billing party” to include a law firm, company, or legal service providers and the term “billable party” to include a company or individual (**see column 3, lines 57-67**). Heinemann et al therefore meets the scope of the claimed feature of posting lines are viewed by a person and that corrections are made to the viewed posting lines via a computer by the person viewing the posting lines.

- Argument C: *Heinemann et al does not disclose or suggest that respective stored posting lines are marked by a person via a computer so that the posting lines which are marked by the person are stored and posting lines which are not marked by the person are stored.*

In response, the Examiner respectfully disagrees. First of all, **the Appellants’ specification fails to describe the marking of posting lines by a person via a computer.** It is therefore unclear who the person is, what is being marked, and how the person is marking using the computer. Secondly, **Heinemann et al is not relied upon to disclose the marking of respective stored posting lines by a person via a computer.** Rather this is taught by Marks in column 11, lines 4-15. Therefore the argument is rendered moot since Marks and not Heinemann et al is relied upon to disclose this feature.

Marks does not disclose that *the posting lines which are marked by the person are stored and posting lines which are not marked by the person are stored*. However, Heinemann et al discloses that the billable party 32 can view the invoices (**column 9, lines 10-25 and 49-60**) as well as the billing party 30 who can also correct and

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resubmit the invoices (**column 9, lines 1-10, column 9, lines 34-39, column 7, lines 49-53**). Corrections can be made and invoices, which have invoice detail lines, see column 4, line 60, are marked using an additional code. Invoices that are marked are stored along with invoices that are passed without error (unmarked) (**see column 7, lines 44-57**). Therefore Heinemann et al meet the scope of the claimed limitation.

- Argument D: *Heinemann et al does not disclose or suggest that stored posting lines are selected in accordance with said markings and that the selected posting lines are posted to a journal by a computer.*

In response, the Examiner notes that Marks and not Heinemann et al was relied upon to disclose this feature (see Marks, column 6, lines 15-60, fig 1, column 11, lines 4-14).

- Argument E: *The unique transaction code of Heinemann et al is not assigned by a person and does not disclose "marking posting lines".*

In response, the Examiner notes that Marks and not Heinemann et al was relied upon to disclose the marking of posting lines. See Marks, column 11, lines 4-15.

- Argument F: *Marks and Heinemann et al should not be combined since the references relate to different stages of the accounting process.*

In response, the Examiner respectfully disagrees. Both Marks and Heinemann et al are directed to accounting processes and methods of recordkeeping. Whether the references are directed to different stages, as alleged by the Appellant, is unrelated to whether the references meet the limitations of the claims. Furthermore, the claim language has not limited the invention to a particular stage or end of an accounting process.

- Argument G: *Marks fails to disclose "continuing to store posting lines in the catalog after being posted".*

In response, the Examiner respectfully disagrees. **The Appellant's specification fails to describe the limitation continuing to store posting lines in the catalog after being posted.** Therefore, the recitation of continuing to store posting lines is read simply as the next invoice that is treated thus the process is deemed "continuing" in that it is not a one time operation.

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- Argument H: Marks fails to disclose that respective posted posting lines in the catalog are marked after being posted to indicate the respective posting lines have been posted.

In response, the Examiner notes that Official Notice was taken of the old accounting practice of marking respective posted posting lines in the catalog after being posted as being posted by their very existence in the catalog. This feature is taken as admitted prior art because Appellant has failed to traverse the examiner's assertion of official notice.

MPEP sec. 2144.03c:

"If applicant does not traverse the examiner's assertion of official notice or applicant's traverse is not adequate, the examiner should clearly indicate in the next Office action that the common knowledge or well-known in the art statement is taken to be admitted prior art because applicant either failed to traverse the examiner's assertion of official notice or that the traverse was inadequate."

- Argument I: Marks fails to disclose that posting the selected posting lines to a budget file by a computer to thereby create budget entries.

In response, the Examiner respectfully disagrees. The Appellant's reliance of the word "budget" vastly over speaks to the scope of the myriad of interpretations, which the word connotes. Budget is read as the overall financial plan in Marks.

- Argument J: Marks fails to disclose selecting additional posting lines stored in the catalog other than posting lines selected and posted to said respective journal and posting the selected additional posting lines to a different journal.

In response, the Examiner notes that Official Notice was taken of double journal entries. This feature is taken as admitted prior art because Appellant has failed to traverse the Examiner's assertion of Official Notice, MPEP sec. 2144.03c.

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Ramsey Refai/

Examiner, Art Unit 3627

Conferees:

*/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627

*/Michael Cuff/ for Vincent Millin

Primary Examiner, Art Unit 3627